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Russian Duma Approves European Convention on Human Rights

by Erika B. Schlager

The Russian Duma has overwhelmingly ratified and passed on to the Federation Assembly the European Convention on Human Rights of the Council of Europe. The vote was 294–11, with 2 abstentions. The Convention addresses basic human rights, such as freedom of speech and religion, right to a fair trial, etc., much of which is already stipulated in the Russian Constitution and other international agreements. However, unlike other international agreements, Russia's adherence to the European Convention provides its citizens with the right to individual petition at the European Commission of Human Rights in Strasbourg—if they have exhausted all legal guarantees in their own country and still feel their rights under the Convention are being denied.

The Duma added a reservation to its ratification, however, that all
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President Kovac and Co-Chairman Smith, l to r

Slovak President Kovac Meets with Co-Chairman Smith, Commissioner Hoyer During Slovak Constitutional Crisis

by John Finerty

On January 28, Co-Chairman Rep. Christopher H. Smith (R-NJ) met with Slovak President Michal Kovac; the following day, Kovac met with Ranking Commissioner Rep. Steny H. Hoyer (D-MD). In both meetings, Kovac was praised for his leadership on human rights issues and commitment to building democracy in Slovakia.

Michal Kovac was elected President of Slovakia in 1993, shortly after Slovakia became an independent state. After his election, however, a political feud erupted between Kovac and Prime Minister Vladimir Meciar over their differences on the direction and pace of reform in Slovakia. In early 1994, Kovac dismissed Meciar's government following a parliamentary vote of no confidence. The September 1994 elections, however, again returned Meciar to power: Meciar's Movement for a Democratic Slovakia (the largest vote recipient with 61 seats) formed a coalition with the far right-wing Slovak National Party (9 seats) and the far left-wing Association of Slovak Workers (12 seats).

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The Commission on Security and Cooperation in Europe, by law, monitors and encourages progress in implementing the provisions of the Helsinki Accords. The Commission, created in 1976, is made up of nine Senators, nine Representatives, and one official each from the Departments of State, Defense, and Commerce. For more information, please call (202) 225-1901.

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Because of Kovac's falling out with the Prime Minister, he is frequently described as an opposition figure—and, to some degree, has met the fate of political dissidents. In the fall 1995, Kovac's son, Michal Jr., was assaulted, kidnapped and spirited away to Austria in the trunk of a car. (He survived and returned to Slovakia.) There is widespread belief that the ruling coalition was directly involved in this event: Jaroslav Simunic, an investigator in charge of the Kovac, Jr. case, was removed from the case after he claimed he had information implicating the Slovak Information Service (the government security forces) in the kidnapping. His successor on the case, Peter Vacok, was also removed after concurring with Simunic. Two people who are reported to have evidence implicating government security forces in the kidnapping have been murdered (Robert Remias in 1996 and Meti Bubernik in May 1997). It was also reported in 1996 that a bomb went off in the car of the lawyer representing Kovac, Jr.

In spite of the increasing threat of physical violence directed against those who speak out against the ruling coalition and its policies, Kovac has assumed the mantle of one of the country's leading advocates for democracy and human rights and has become a symbol of the reform movement. Although the powers of the Slovak presidency are weak, Kovac has been able to use them ever so marginally to brake Meciar's drive for power. President Kovac received the East-West Studies Institute Award for Distinguished Contributions to International Understanding (in 1994, along with Hungarian President Goncz) and the American Bar Association's award for building the rule of law and civil society.

As it now stands, President Kovac's term is set to expire in early March. But, with a three-fifths majority required for the parliament to elect a new president, it appears that no candidate will muster that support. In the event that no president is elected, Slovakia will face a constitutional crisis: in the absence of a president, some of his constitutional powers would fall to Prime Minister Meciar but others—including the power to appoint ministers and to accept the resignation of the government—would be in limbo.

Last May, Slovakia was to hold a referendum on, among other things, whether the president should be directly elected by the people. That referendum was manipulated by the Ministry of Interior, effectively mooted its outcome. The Slovak Constitutional Court has

held the Ministry acted illegally.

In Kovac's meetings with Commissioners, both Smith and Hoyer emphasized the many positive aspects of post-Communist transition in Slovakia: the presidency, the constitutional court, the army, and the economy are all areas which have brought international praise for Slovakia. Nevertheless, both Congressmen argued that the actions of the ruling coalition and the Prime Minister have brought Slovakia into disrepute, particularly because of their consistent disregard for the rule of law and constitutional court rulings. Smith and Hoyer also praised Kovac for practicing the "politics of consensus-building, rather than the politics of confrontation." This was illustrated by the make-up of Kovac's delegation, which included parliamentarians from both the Christian Democratic Party (a member of the Slovak Democratic Coalition) and the Hungarian Christian Democratic Party (a member of the Hungarian coalition).

Parliamentary elections are expected to be held in Slovakia in September 1998. □

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lows Russia to retain its death penalty. The abolition of the death penalty is widely considered a core right of the European system protecting human rights and fundamental freedoms; indeed, under the European system, the death penalty is equated to cruel and unusual punishment. Accordingly, each new, post-Communist entrant to the Council of Europe has been admitted with the understanding that it would also abolish the death penalty. Currently, Ukraine has been threatened with expulsion from the Council if it fails to pass legislation abolishing the death penalty. The Russian Duma's vote, therefore, is likely to be perceived as an open challenge to the Council.

President Yeltsin had urged the Duma to ratify the Convention, saying, according to *Reuters*, that ratification of the Convention, "would confirm our country's commitment to the principles of democracy and the rule of law."

Interfax news agency reports that members of Vladimir Zhirinovsky's Liberal Democratic Party questioned the usefulness of signing the Convention, claiming that it contradicts over forty Russian laws.

In a related move, the Duma also ratified the European Convention for the Prevention of Torture which, among other stipulations, provides minimum protection

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Commission Examines the Regions of Bosnia

by Robert Hand

On February 5, six former members of the OSCE Mission to Bosnia-Herzegovina made presentations at a Helsinki Commission briefing held to examine the situation in various regions of that country. The briefing was organized based on the view that general characterizations about Bosnia can be made but variations in the situation even within the two entities is so great that each region deserves some study. Since the international community is pumping a significant amount of money into Bosnia-Herzegovina which inevitably goes to the local level, an understanding of localities is important for U.S. policy-makers concerned about rewarding those implementing the Dayton Agreement and isolating those obstructing it or those who were possibly involved in war crimes. In addition, democracy must ultimately manifest itself in Bosnia-Herzegovina at the local level if the country is to remain united.

Following are comments made on various regions by the panelists:

Bihac (Federation): "More people were killed in Muslim-Muslim violence in the Bihac pocket than were killed defending the entire pocket from the Serbs during the course of the war. . . . People in Bihac are still very angry about the Fikret Abdic (supporters), what they call betrayal. . . . Reconcil[ing] the Muslim population that had been loyal to Abdic and the population loyal to Izetbegovic, which ultimately prevailed in the conflict, really was the focus of our efforts in Bihac. . . . The media. . . is tightly controlled by the SDA (the ruling Party for Democratic Action), and they do not want to let go. . . ."—Luke Zahner, Press and Public Information Officer.

Brcko (International Supervision): "In Brcko, it's a special situation because of the powers given to the supervisor. . . . A Serb displaced person sitting in Brcko, originally from Sarajevo, doesn't have to pay for his electricity. But if he returns to Sarajevo, he will have to pay for his electricity. . . . In the Posavina area near Brcko, [the Croatian political party] HDZ is clearly much more interested in the implementation of Dayton. And the Croatian Farmers' Party, HSS, is even more so. It was refreshing to deal with them after dealing with the HDZ in Herzegovina. . . . [In January] 25 brand new Volkswagens [were] sitting in front of police headquarters. . . donated by Japan. . . to encourage the new integrated police. . . Also. . . Youngsters [were]

crossing the bridge over the Sava into Brcko. . . . However, reciprocity doesn't really exist. [Bosnian] passport holders have a Republika Srpska address in their passport. They just don't make it through the Croatian border."—Roland de Rosiere, Head of Field Office.

Cajnice (Federation): "The [UNHCR] open city and the return process in Cajnice. . . can work. It is beginning to work. But it needs to be supported and monitored. . . . The minorities. . . would be Croats and Serbs. . . . [A Serb family] left in 1995, not so much because of the conflict but because of health reasons. . . . They said they would return. . . but they couldn't move back in. Families decided they. . . wanted to stay. One of them said. . . [they] couldn't live under the same roof as Serbs. . . . They [didn't mind] personally, but no one else would understand this. . . . Since Cajnice had been considered as a hopeful open city. . . it wasn't solved by the court system [but]. . . by the Federation Vice President, who the day before [U.S. Ambassador to the United Nations] Bill Richardson visited Cajnice sent an instruction saying, 'Solve this case.' . . . We [also] talked about [the comment] to the Islamic community, and they said that they didn't want people to think that way. And they said so publicly at Friday prayers."—Roland de Rosiere, Head of Field Office.

Drvar (Federation): "Since 1995, many thousands of Croat displaced persons from central Bosnia. . . moved to Drvar and are now living in the apartment buildings and houses and homes that were once occupied by Serb families. . . . [I]n the municipal elections in 1997, the Serb parties won. . . a majority. . . . [I]t has been very difficult implementing the elections in Drvar as a result of the conflict between the people that want to return and the people that live in Drvar now who do not. . . want to return to central Bosnia."—Luke Zahner, Press and Public Affairs Officer.

Foca (Republika Srpska): "The name was changed to Srbinje about two years ago. Actually, most of the local residents there still—some of them still refer to it as Foca. . . . It was a majority Muslim population prior to the war. . . . There is now only one Muslim left, as I understand. . . . There were 18 mosques in Foca prior to the war. They are now all gone. They've been razed, they're parking lots. There's nothing left. Most of

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the... 5,000 displaced persons living in... Foca... are from Sarajevo.... [They] live in horrible and crowded conditions.... They receive virtually no medical attention. Unlike the Federation, Republika Srpska government officials do not want the displaced population to return to their former homes because they want to create a separate state.... It was impossible for any other parties besides the [Serbian Democratic Party and the Serbian Radical Party] to register in the area. With regard to the media situation, it's very bad.... There's total state control.... With respect to human

rights... specifically those rights called for in Dayton, they do not in my opinion exist in the Republika Srpska. The issue of aid to the Republika Srpska is a tricky one.... One solution is through democratization projects which the OSCE is currently working on, such as encouraging or outright creating local NGOs.—Kathryne Bomberger, Human Rights Officer.

Gorazde (Federation): "Every area was a front line. [The region] is 99 percent Muslim. New Muslims came from the surrounding Republika Srpska areas... during the war when they were ethnically cleansed from their

original places.... The Dayton Agreement gave one-third of the pre-war municipality... to the Serbs. That makes it very volatile, because the Muslims in Gorazde want to return, and they can walk home.... Most importantly...there were allegations of [election] fraud in the surrounding Republika Srpska areas that were not investigated...undermin[ing] and hinder[ing] the larger goals that the [international community] claims to support.... We [also] need a new census.... We don't know how many people really live where.... If there is no census, the voter registration process is open to manipulation.”—Jessica White, Elections Officer.

Livno (Federation): “The main problem in Livno now is essentially a lack of political diversity and an extremely authoritarian approach to democracy in that area. There are very few opposition parties, very little access to the media for opposition candidates.... The basic source for information... was municipal radio stations that were controlled by the municipal authorities which, of course... were the HDZ (Croatian Democratic Union).”—Luke Zahner, Press and Public Affairs Officer.

Orasje (Federation): “The inner town is largely Muslim. The territory, though, is largely Croatian. And, in fact, they tend to think that they are part of Croatia. They do not see themselves as part of the federation... Relations between the peoples... are not too bad.... Muslims and Croats during the war did unite to fight the Serbs in Orasje and defend Orasje.... Orasje was the only area I saw where there was a fair range of opinion being expressed in the media....”—Brian Marshall, Elections Supervisor.

Sanski Most (Federation): [This] is where most of the displaced persons from the Banja Luka and Prijedor regions had returned, Muslims who want to return to their homes, mostly in western Republika Srpska.... Sanski Most... was basically a pressure cooker that is still developing.... Hopefully, with the developments in Republika Srpska and this new attitude toward returns, which I hope will develop, this will be relieved a bit.”—Luke Zahner, Press and Public Information Officer.

Vares and Kakanj (Federation): “Vares and Kakanj are two classic situations of population flip-flop. They were both something like 90 to 95 percent Croat before the war... and they are now 90 to 95 percent Bosniac or Muslim. So you have large numbers of displaced per-

sons.... Croats who remained... and even some of those who departed did not necessarily align themselves with the nationalist movement. [That] makes the possibility of return much more positive.... There were two problems,... 40 to 60 percent... of housing was destroyed,... and about 50 percent of housing that existed in cities and towns was socially owned housing, [which] was essentially nationalized or taken over by local governments.... These are the apartments that have not been made re-available to original populations.”—Candace Lekic, Human Rights Officer.

Vlasenica (Republika Srpska): “Vlasenica is a former Muslim town which is [now] approximately 80 percent displaced persons from various parts of the Federation.... It was very much a nationalist area. Karadzic's picture was everywhere. Showing a map of Bosnia was a political statement. They took great offense just seeing Republika Srpska being seen as part of Bosnia.... However, the Serbs were very, very concerned about... what we thought of them.... They are very much in a state of denial. They have a siege mentality.... You do get a feeling there would be a big reaction if SFOR went after someone such as Karadzic.—Brian Marshall, Elections Supervisor.

Robert Hand of the Commission staff, moderating the briefing, concluded with some comments on the OSCE Mission based on the comments made by the panelists. He expressed some concerns about upcoming Bosnia elections and reported that the Commission advised the new OSCE Mission head, Robert Barry, to focus more on the political environment and human rights than merely the administration of the elections. He also noted that there are good people in the field on the OSCE Mission that need to be empowered to take initiatives to get things done on the local level. Finally, he asserted that the Inter-Entity Boundary Line needs to become as porous and, ultimately, as irrelevant as possible. □

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from physical abuse for persons in confinement. In recent years, physical abuse by authorities of persons in confinement and under investigation has been widely and authoritatively reported in Russia. Last April, Amnesty International's 75-page report, *Torture in Russia, 'This man-made Hell'* described numerous instances of torture and ill-treatment of criminal suspects in the Russian Federation. □

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